

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:12 cr 25-2**

UNITED STATES OF AMERICA

Vs.

ESCOVIO RIOS.

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ORDER

THIS CAUSE coming on to be heard before the undersigned pursuant to a letter (#64) sent by Defendant to the Clerk of this Court in which Defendant requests that new counsel be appointed to represent him in this matter. Thereafter, Defendant sent a second letter (#66) to the Clerk of Court requesting that he be allowed to withdraw his request for substitution of counsel. The undersigned scheduled the matter for hearing to insure that the decision of Defendant to withdraw his motion was his voluntary and independent decision made without any form of coercion. At the call of the matter on for hearing it appeared that Defendant was present with his counsel, attorney Rich Cassady, and the Government was present and represented through Assistant United States Attorney Richard Edwards. From the statements of Defendant and Mr. Cassady and Mr. Edwards, the undersigned makes the following findings:

Findings. The undersigned made an inquiry of the Defendant concerning

whether or not his decision to withdraw his request for substitution of counsel was that of himself and was made freely and voluntarily without any coercion. The Defendant advised the Court it was his own independent decision to withdraw his motion and he was doing so freely and voluntarily. The Defendant explained to the Court that he had become frustrated with the period of time that he had been incarcerated after his jury trial which occurred in March of 2013 and he had filed his motion to request a new attorney out of frustration. The undersigned consulted with Mr. Cassady as counsel for the Defendant and Mr. Cassady advised he would be happy to continue to represent Defendant. The undersigned further consulted with Mr. Edwards on behalf of the Government to see if any further inquiry should be made and Mr. Edwards advised he was satisfied with the Court's inquiry.

ORDER

IT IS, THEREFORE, ORDERED that the letter (#64) of Defendant which has been considered as a motion for substitution of counsel has been withdrawn by the Defendant (#66) and the request for substitution of counsel (#64) is **DENIED** and the motion to withdraw the request for substitution of counsel (#66) is **ALLOWED**.

Signed: January 27, 2014

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

